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BY E-FILE

The Honorable Mary Pat Thynge
Magistrate Judge
United States District Court
844 N. King Street
Wilmington, DE 19801

Re: Acuity Brands, Inc. and Acuity Brands Lighting, Inc. v. Cooper Industries, Inc. and Cooper Lighting, Inc.
D. Del., C.A. No. 07-444-***

Dear Magistrate Judge Thynge:

I am writing to make Your Honor aware of significant developments affecting defendants' pending §1404 motion to transfer venue to the Northern District of Georgia (D.I. 11).

On October 26, 2007, plaintiffs filed a motion for leave to amend their complaint (D.I. 27), which defendants do not oppose. The proposed amendment includes two changes that are important to defendants' transfer motion:

First, plaintiffs seek to drop Cooper Industries, Inc. ("Cooper Industries") as a defendant in this case. *See* D.I. 27 at Exh. 2, ¶3. Cooper Industries, which is based in Houston, is a name-holder only, and therefore had no place being named as a defendant here. Now that Cooper Industries is being dropped, the only remaining defendant is Cooper Lighting, Inc., which is headquartered in the Atlanta area.

Second, plaintiffs now seek to amend their allegation as to the owner of the patents-in-suit. *See* D.I. 27 at Exh. 2, ¶¶3, 8-16. Though these patents were previously alleged to be owned by a Delaware corporation (Acuity Brands, Inc.), they are now alleged to be owned by a Georgia limited liability company located in the Atlanta area (ABL IP Holding LLC).

Thus, plaintiffs' amended complaint further strengthens the case for a §1404 transfer. Not only is every party named in this case headquartered in or around Atlanta, but also the entity that actually owns the patents-in-suit is organized under Georgia law and has no Delaware connection whatsoever.

We appreciate the Court's attention to the above, and respectfully submit that these amendments to the complaint make the case for a transfer to Georgia even more compelling.

Respectfully,



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PAR/mes/828470
cc: Rodger D. Smith, II, Esq. – by hand delivery and E-mail